

## FINAL TEXT OF PROPOSED REGULATIONS

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### **Title 15. Crime Prevention and Corrections**

Division 8. California Prison Industry Authority

Chapter 1. Rules and Regulations of California Prison Industry Authority

Article 3. CALPIA Inmate Work/Training and Education

Sections 8004 through 8004.4 are amended to read:

#### **8004. PARTICIPATION**

Subsection (a) is unchanged.

(b) Inmates shall not be eligible for a CALPIA assignment under the following circumstances:

(1) Inmates serving life sentences without parole (LWOP); unless the inmate meets the exception found in 8004 (d)(4).

~~(2) Inmates with a history of escape; including, but not limited to an actual escape, an attempted escape, correspondence or any documentation describing an escape plan or escape contraband found in their living quarters including digging, cutting or other objects that could be used for escape.~~

(32) Inmates convicted of arson, elements of arson, or possession or use of explosive material, unless the arson conviction is more than 15 years prior to the date of application and all other eligibility requirements are met, then an exemption may be considered.

(3) Inmates found in violation of Section 3016; unless the inmate subsequently meets the following minimum requirements:

(A) six (6) months of disciplinary/drug/alcohol-free conduct; and

(B) ninety (90) days of satisfactory work as written on an institutional Work Supervisor's Report, CDC 101 (1/92), which is incorporated by reference, in a report from inmate's work supervisor; and

(C) successfully graduates from a substance abuse program.

(c) Inmates who are otherwise eligible for a CALPIA assignment shall be restricted as follows:

(1) All inmates ~~inmates~~ assigned to a work/training position within CALPIA, pursuant to Penal Code (PC) Section 5071, shall not have access to personal information of private individuals.

(2) Inmates convicted of a PC Section 290 offense shall not be assigned to the CALPIA optical program.

(3) Inmates convicted of forgery, fraud, counterfeiting, or embezzlement shall not be assigned to the CALPIA Specialty Print Plants.

(4) ~~Inmates convicted of computer related crimes shall not be assigned to CALPIA clerical positions.~~ Inmates who have any of the following history shall not be placed in assignments that provide access to a computer:

(A) computer fraud or abuse, as defined in PC Section 502; or

(B) telephone fraud or abuse, as defined in PC Section 502.7(b); or

(C) any documented institutional disciplinary action, as described in sections 3000 and 3312 of Title 15, involving the use of a computer to conduct unauthorized activity not related to the intended work tasks of CDCR or CALPIA.

Subsection (d) is unchanged.

(e) Inmates placed on Immigration and Customs Enforcement (ICE) Hold status by CDCR shall not be ~~issued a CALPIA external accredited certificate.~~ assigned to a CALPIA job without an approved exemption in writing from the General Manager.

(1) ICE Hold inmate workers assigned to CALPIA will not be eligible to receive external accredited certificates unless ICE Hold status is removed in the following two steps:

(A) through administrative proceedings; and

(B) prior to the end of accredited certificate program.

Note: Authority cited: Sections 2801 and 2808, Penal Code. Reference: Sections 2702, 2801, 2805 and 5071, Penal Code.

## **8004.2. RECRUITMENT AND APPOINTMENT PROCESS**

(a) The CALPIA Prison Industries Administrator/Lead Manager at each facility shall be responsible for coordinating the recruitment of inmates with the institution/facility's correctional counseling staff or the classification services staff.

(b) The CALPIA Inmate Worker Application Form IEP-F002, Rev. E, 9-24-2012, which is incorporated by reference, shall be made available by CALPIA staff to the inmate population throughout facilities with CALPIA enterprises.

(c) Inmates applying for a CALPIA work/training position shall complete CALPIA Form IEP-F002 and shall submit it to the correctional counselor staff at the inmate's facility.

(d) The Prison Industries Administrator/Lead Manager shall, in coordination with the correctional counselor staff, conduct a central file review, ensuring eligibility standards and requirements, in sections 8004 and 8004.1 are met.

(e) Upon confirmation of program eligibility, inmates who have applied for a CALPIA position and have been placed into CALPIA's Inmate Candidate Pool (ICP) may be assigned to an appropriate work program in accordance with California Code of Regulations (CCR), Title 15, Division 3, Section 3040(c).

(f) Upon the availability of a vacant CALPIA position, CALPIA enterprise staff shall:

(1) Request a list of eligible inmates from the ICP from the institution/facility Assignment Lieutenant responsible for maintaining the ICP list.

(2) Interview inmates from the ICP list. ~~and make the final selection of inmates.~~

~~(A3) ICP shall be~~ Make the final selection of inmates based on priority of prioritized by the following educational achievements:

~~1.(A)~~ High School Diploma or GED

~~2.(B)~~ Enrolled in GED program

~~3.(C)~~ No Diploma/GED and not enrolled in an education program

~~(-3-)~~ (4) Submit a final list of successful inmate applicants in writing to the institution/facility's Assignment Lieutenant.

(g) In addition to the priorities set forth in subsection (f)(3)(A) through (C), CALPIA will also give consideration to part time CALPIA inmates who graduate from a substance abuse program or complete any other CDCR rehabilitating programs when filling full time assignments.

(h) A urinalysis test shall be requested on all inmates newly assigned to CALPIA within 30 days of their start date. See subsection 8004.3(a) for requesting guidelines.

Note: Authority cited: Sections 2801 and 2808, Penal Code. Reference: Sections 2801 and 2805, Penal Code.

### **8004.3. CONTROLLED SUBSTANCES/ALCOHOL USE**

~~(a) When there is reasonable suspicion to believe that a CALPIA inmate is under the influence of a controlled substance or alcohol, CALPIA shall contact the Investigative Services Unit (ISU) Lieutenant for the purpose of testing for the presence of controlled substances or for the use of alcohol. To request testing for the presence of controlled substances or for the use of alcohol by an inmate assigned to CALPIA, Administrator/Lead Manager shall contact the institution's Investigative Services Unit (ISU) Lieutenant in the following circumstances:~~

(1) new hires pursuant to Section 8004.2(h); or

(2) random drug testing for the duration of inmate's work assignment; or

(3) When there is reasonable suspicion to believe that an inmate is under the influence of a controlled substance or alcohol.

(b) Any inmate found to be in violation of CCR, Title 15, Division 3, Section 3016 shall be immediately removed from the CALPIA work/training program, and may be subject to the provisions of CCR, Title 15, Division 3, Section 3315, Serious Rule Violations. The following circumstances shall determine if an inmate is un-assigned from CALPIA when testing under subsection 8004.3(a)(3):

(1) If a laboratory test is conducted, the suspected inmate shall leave CALPIA until test results are complete. The laboratory test results will determine if the inmate may return to CALPIA.

(2) If an on-site testing of urine sample is conducted and the results are positive, the inmate shall leave CALPIA until further laboratory testing determines the following:

(A) Confirms the results of a positive, on-site, urine sample. Inmate shall be un-assigned from CALPIA.

(B) Indicates on-site, urine sample is negative. The inmate may return to work at CALPIA.

(c) Any CALPIA inmate found in violation of Section 3016 shall be immediately removed from the CALPIA work/training program and required to meet minimum requirements pursuant to subSection 8004(b)(-4-3) have a minimum of six (6) months of disciplinary/drug/alcohol free conduct and a minimum of 90 days of satisfactory work as reported prior to reapplying for a CALPIA position, on an institutional Work Supervisor's Report, CDC 101 (1/92), which is incorporated by reference. Any inmate found to be in violation of Section 3016 shall be immediately removed from the CALPIA work/training program, and may be subject to the provisions of Section 3315, Serious Rule Violations.

Note: Authority cited: Sections 2801 and 2808, Penal Code. Reference: Sections ~~2053~~, 2801, 2805 and 2808, Penal Code.

## **8005. PART-TIME WORK**

(a) Part-time positions may be established to accommodate inmates who are enrolled and participating in a substance abuse program or any other CDCR rehabilitating program.

(b) Inmates will not be eligible for part-time work if they are no longer enrolled and actively participating in a substance abuse program or any other CDCR rehabilitating program.

(c) Part-time work assignments in CALPIA are exempt from subsection 8004.1(h).

Note: Authority cited: Sections 2801 and 2808, Penal Code. Reference: Sections 2801, 2805 and 2808, Penal Code.